

**BOARD OF PSYCHOLOGY**

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**BOARD OF PSYCHOLOGY
Quarterly Board Meeting****Open Session Minutes**

**Embassy Suites Buena Park
7762 Beach Boulevard
Buena Park, CA 90620
(714) 739-5600**

Friday, May 9, 2003

The open session meeting was called to order by the President, Pamela Harmell, Ph.D. at 10:02 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

Pamela Harmell, Ph.D., President
William L. Tan, Vice-President
Howard Adelman, Ph.D.
Mary Ellen Early
Jacqueline Horn, Ph.D.
Lisa Kalustian
Myra Scott Reifman
Ronald Ruff, Ph.D.
William Thomas, Ph.D.

Others Present:

Thomas O'Connor, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Don Chang, Legal Counsel
Kathy Bradbury, Administrative Services Coordinator
Mary Laackmann, Enforcement Analyst
Karen Johnson, Licensing/Examination Coordinator

Agenda Item #1 – Committee Meetings

The Credentials Committee, Examination Committee, Enforcement Committee, Legislation Committee, Consumer Education Committee, and Continuing Education Committee met to discuss and formulate recommendations to the Board. The Committee meetings concluded at 11:40 a.m. at which time the Board adjourned for lunch.

1 **Agenda Item #2 –BYLUND, Steven, Ph.D. – Hearing on Petition for Termination of**
2 **Probation**
3

4 The Board reconvened into open session at 1:01 p.m. to hear the Petition for Termination of
5 Probation. Administrative Law Judge Timothy Thomas presided. Deputy Attorney General
6 Vladimir Shalkevich was present and represented the people of the State of California and
7 Steven Bylund, Ph.D. was present and represented himself. The hearing concluded at 1:48
8 p.m. and the Board discussed the petition in closed session until 2:00 p.m.
9

10 **Agenda Item #3 - BONURA, James, Ph.D. - Oral Argument Hearing on Non-Adoption of**
11 **Proposed Decision**
12

13 The Board reconvened into open session at 2:00 p.m. to hear oral arguments after non-
14 adoption of a proposed decision. Administrative Law Judge Timothy Thomas presided.
15 Deputy Attorney General John DeCure was present and represented the Executive
16 Officer of the Board of Psychology. James Bonura, Ph.D. was present and represented
17 by attorney Edward Pilot. The oral arguments concluded at 3:25 p.m. at which time the
18 board entered into closed session to formulate the decision in the matter heard.
19
20
21

22 **Saturday, May 10, 2003**
23

24 The open session meeting was called to order by the President, Pamela Harmell, Ph.D. at 8:01
25 a.m. A quorum was present and due notice had been sent to all interested parties.
26

27 **Members Present:**
28

29 Pamela Harmell, Ph.D., President
30 William L. Tan, Vice-President
31 Howard Adelman, Ph.D.
32 Mary Ellen Early
33 Jacqueline Horn, Ph.D.
34 Lisa Kalustian
35 Myra Scott Reifman (Arrived at 8:30 a.m.)
36 Ronald Ruff, Ph.D.
37 William Thomas, Ph.D.
38

39 **Others Present:**
40

41 Thomas O'Connor, Executive Officer
42 Don Chang, Legal Counsel
43 Jeffrey Thomas, Assistant Executive Officer
44 Kathy Bradbury, Administrative Services Coordinator
45 Mary Laackmann, Enforcement Analyst
46 Karen Johnson, Licensing/Examination Coordinator
47

48 **Agenda Item #7 - Approval of February 7 & 8, 2003 Open Session Minutes**
49

50 It was M/(Tan)/S(Ruff)/C to approve the February 7 & 8, 2003 open session minutes as drafted.
51

52 VOTE: 8 – 0

53 **Agenda Item #8 - President's Report – Dr. Harmell**
54

1 **a. CPA Convention Report**

2
3 Dr. Harmell reported on the California Psychological Association (CPA) Annual Convention
4 that was held April 3 & 4, 2003 in San Jose, California. She noted that Mr. O'Connor was
5 awarded the CPA Division of Public Interest Helen Margulies Mehr, PhD Award for
6 sustained contributions to public interest. Dr. Harmell also acknowledged the board staff
7 who participated at the board's booth at the convention. Board staff offered demonstrations
8 of the various services provided by the board's website and answered questions from the
9 convention attendees which included licensees, registrants, students and consumers.

10
11 Dr. Harmell reported that the board conducted a seminar for Board of Psychology
12 enforcement experts at the convention. The seminar was presented by one of the board's
13 experts, Jeffrey Younggren, Ph.D. Dr. Younggren instructed the experts on the differences
14 between the new 2002 version of the American Psychological Association's Code of
15 Professional Conduct and the 1992 version of that code.

16
17 **b. Other President's Informational Items**

18
19 Dr. Harmell thanked Ms. Kalustian for her five years as member of the Board of Psychology.
20 Ms. Kalustian responded by informing the recently appointed board members that they will
21 find their appointment an interesting and wonderful experience over the coming years.

22
23
24 **Agenda Item #9 - Executive Officer's Report – Mr. O'Connor**

25
26 **a. Budget Update**

27
28 Mr. O'Connor reported that the board's budget has been passed by the Senate and the
29 Assembly. He further reported that candidates for the Examination for Professional Practice
30 in Psychology (EPPP) now have to submit the examination fee directly to the Professional
31 Examination Service (PES) rather than submitting the fee to the Board of Psychology. As a
32 result, a Spring Finance Letter was prepared and submitted to the Department of Finance to
33 delete this line item and reduce the amount of the board's budget for fiscal year 2003/2004
34 and ongoing. The requested reduction in budget is \$365,000 which was the amount that the
35 board paid to PES for the EPPP prior to the regulation change which now requires
36 applicants to pay the exam fee directly to PES. No longer will the board be the middleman
37 for the collection of the EPPP fee.

38
39 Mr. O'Connor reported that he had reported at the February meeting that there was a
40 mandate for a 25% reduction in the board's travel budget. He informed the board that he
41 has since learned that this mandate is actually for a 35% reduction in the board's travel
42 budget. Additionally, board staff was required to prepare a contingent plan for a 10%
43 reduction in the board's personnel budget and submit the plan to the DCA.

44
45 **b. Travel Issues**

46
47 Mr. O'Connor reported that the approved out-of-state trip request to attend the ASPPB
48 midwinter meeting in February had been rescinded due to the current State budget
49 constraints. He noted that all out-of-state travel has been put on hold until further notice.

50 **c. 2004 Meeting Calendar**

51
52 Mr. O'Connor presented the 2004 Event Calendar for board approval and noted that
53 attendance at any out-of-state event will likely not be approved.

1 It was M/(Tan)/S(Horn)/C to approve the 2004 Event Calendar.

2
3 VOTE: 8 – 0

4
5 **d. Other Executive Officer Informational Items**

6
7 Mr. O'Connor mentioned that this would be the last board meeting for staff member Karen
8 Johnson who has been with the board for ten years. During that time, Ms. Johnson took a
9 maternity leave and returned to a two year limited term position. Mr. O'Connor informed the
10 board that, due to the State's budget, her position cannot be continued. Mr. O'Connor
11 stated that Ms. Johnson's duties would be distributed among existing staff and that she will
12 be missed.

13
14 **Agenda Item #10 - Legal Counsel's Report –**

15
16 Dr. Harmell introduced Don Chang, Supervising Staff Counsel for the Department of
17 Consumer Affairs' Legal Office, who represented the board at this meeting because of the
18 absence of Ms. Freedman. Mr. Chang reported that after this meeting, the board's legal
19 counsel during Ms. Freedman's absence will be Dana Winterrowd.

20
21 **Agenda Item #11 - Regulation Hearing (10:00 AM)**

22
23 **a. Waiver of Exam; Title 16, California Code of Regulations, Section 1388.6**

24
25 Dr. Harmell conducted the regulation hearing on the proposed changes regarding waiving
26 the EPPP requirements.

27
28 Mr. Thomas presented a draft of modified text to the proposed language. He explained that
29 during the drafting of the proposed language, language was inadvertently omitted; hence the
30 new draft of the modified text to add the language back in.

31
32 Don Chang, DCA Legal Counsel, recommended the board delegate to staff the authority to
33 prepare the 15-day notice and accept any comments received.

34
35 It was M/(Adelman)/S(Horn)/C to adopt the proposed regulation changes as amended and
36 delegate the authority to staff to prepare the 15-day Notice of Proposed Changes and
37 accept any comments received.

38
39 VOTE: 9 – 0

1 **b. Continuing Education Requirements; Title 16, California Code of Regulations,**
2 **Section 1397.61**

3
4 Dr. Harmell conducted the regulation hearing on the proposed changes regarding continuing
5 education requirements.

6
7 Mr. Chang noted minor, nonsubstantive changes to add “sub” to sections (d), (e), (f), and (g)
8 as they are subsections rather than sections. The board directed staff to make these
9 nonsubstantive changes to the proposed language and proceed with the rulemaking
10 procedures.

11
12 It was M/(Early)/S(Tan)/C to adopt the proposed regulation and to delegate the authority to
13 staff to make the minor, nonsubstantive changes to the proposed language and proceed
14 with the rulemaking procedure.

15
16 VOTE: 9 – 0

17
18 **c. Citation and Fine; Title 16, California Code of Regulations, Section 1397.51**

19
20 Dr. Harmell conducted the regulation hearing on the proposed changes to the citation and
21 fine regulation.

22
23 It was M/(Kalustian)/S(Reifman)/C to adopt the proposed regulation.

24
25 VOTE: 9 – 0

26
27 ***The following agenda items were taken out of order, because the regulation***
28 ***hearings scheduled for 10:00 a.m. are time specific.***

29
30 **Agenda Item #12 - Regulation Update – Ms. Bradbury**

31
32 **a. CE Exception**

33
34 Ms. Bradbury reported that the CE Exception final rulemaking file will be resubmitted to the
35 Office of Administrative Law after the review of the DCA.

36
37 **b. Other Regulation Update Informational Items**

38
39 None.

40
41 **Agenda Item #13 - Continuing Education Committee Report – (Chairperson – Dr.**
42 **Adelman)**

43
44 **a. Requests for Exception to Continuing Education Requirements**

45
46 Dr. Adelman reported that there was one request for exception that was submitted,
47 however, further information is required to determine the applicant’s eligibility for an
48 exception to the continuing education requirements. Staff was instructed to obtain
49 additional information before a decision could be determined.

1 **b. Hour Requirement for Spousal/Partner Abuse Training**

2
3 Dr. Adelman reminded the board that at the February board meeting, the board decided
4 to defer to its existing regulation (1397.60(c)) which defines a CE course as being at
5 least one hour in length. Absent any standards set or data to support a specified
6 number of hours, the course in spousal/partner abuse should ideally be deferring to the
7 1397.60(c), which allows one to choose a course of sufficient length appropriate to his or
8 her practice.

9
10 It was M(Ruff)/S(Harmell)/C to set a reasonable minimum number of hours required for
11 this course at the next board meeting.

12
13 VOTE: 8 – 0

14
15 The Board asked the Executive Officer to collect any available data which might support
16 a specified number of hours for such a course and bring the information back to the
17 board at the August meeting.

18
19 Dr. Adelman reported that there was one request for an equivalency to this requirement.

20
21 It was M(Continuing Education Committee)/C to accept this request for equivalency.

22
23 VOTE: 8 – 0

24
25 **c. Other Continuing Education Update Informational Items**

26
27 Dr. Adelman reminded the board that Dr. Thomas has expressed his concern about how
28 to address matters of human diversity in the practice of psychology. It is an issue which
29 is in the board's strategic plan to be addressed. Members discussed the possibility of
30 requiring a specific CE course on the topic through regulation change. Ms. Kalustian
31 reminded the board that the governor has clearly stated that he will support no more
32 legislative efforts to mandate topic-specific CE or training courses. Dr. Thomas
33 expressed that California is the most multicultural state and such issues need to be
34 somehow emphasized.

35
36 Dr. Adelman advised that guidelines have been developed by APA on how issues of
37 human diversity need to be incorporated into the training of psychologists and in the
38 practice of psychology. He advised that perhaps the board should consider establishing
39 guidelines as to how applicants and licensees can ensure that they are competent in
40 diversity issues throughout all aspects of the practice of psychology. Dr. Adelman
41 indicated that moving in the direction of guidelines might be more appropriate than
42 establishing yet another specific course requirement.

43
44 It was M(Horn)/S(Ruff)/C that the board should research existing guidelines in the area
45 of diversity in order to determine if the board needs to establish its own set of guidelines
46 outlining specific areas of diversity training that should be included in the continuing
47 education of licensees.

48
49 VOTE: 9 – 0

50
51
52 The board asked Mr. O'Connor to collect data on the topic and identify individuals with
53 expertise in this area to invite to serve on a task force to be overseen by the Continuing
54 Education Committee and bring the information back to the August meeting.

1
2 **Agenda Item #14 - Credentials Committee Report – (Chairperson – Dr. Horn)**
3

4 **a. Draft Language Addressing Supervision Issues**
5

6 Dr. Horn presented draft regulations intended to enhance supervised professional
7 experience. Staff was instructed to make specific corrections and then post the
8 corrected draft on the board's website.
9

10 **b. SPE Agreement: Draft Forms**
11

12 The board reviewed the new "agreement" for an applicant to earn hours of supervised
13 professional experience in non-mental health services pursuant to California Code of
14 Regulations, Section 1387.3(a) and (b). Staff was instructed to make the
15 edits/corrections and have the new "agreement" available on the board's website.
16

17 Dr. Horn will work with Dr. Harmell to develop informative guidelines as to what are
18 appropriate supervision practices.
19

20 **c. Review and Make Recommendations on Plans for Supervised Professional**
21 **Experience in Psychological Research**
22

23 **M.M.B. - Plan for Supervised Professional Experience in Psychological Research**
24

25 It was M(Credentials Committee)/C to approve M.M.B.'s request to earn hours of
26 supervised experience in the area of psychological research.
27

28 VOTE: 9 – 0
29

30 **S.K.G. - Plan for Supervised Professional Experience in Psychological Research**
31

32 It was M(Credentials Committee)/C to approve S.K.G.'s request to earn hours of
33 supervised experience in the area of psychological research pending notification of
34 S.K.G.'s professional title while at that location.
35

36 VOTE: 9 – 0
37

38 **L.L. - Plan for Supervised Professional Experience in Psychological Research**
39

40 It was M(Credentials Committee)/C to approve L.L.'s request to earn hours of supervised
41 experience in the area of psychological research.
42

43 VOTE: 9 – 0
44
45

R.T. - Plan for Supervised Professional Experience in Psychological Research

It was M(Credentials Committee)/C to approve R.T.'s request to earn hours of supervised experience in the area of psychological research.

VOTE: 9 – 0

J.Y.S. - Plan for Supervised Professional Experience in Psychological Research

It was M(Credentials Committee)/C to approve J.Y.S.'s request to earn hours of supervised experience in the area of industrial/organizational psychology.

VOTE: 9 – 0

A.L. - Plan for Supervised Professional Experience in Psychological Research

It was M(Credentials Committee)/C to approve A.L.'s request to earn hours of supervised experience in the area of industrial/organizational psychology.

VOTE: 9 – 0

K.O. - Plan for Supervised Professional Experience in Industrial Organizational Psychology

It was M(Credentials Committee)/C to approve K.O.'s request to earn hours of supervised experience in the area of industrial/organizational psychology.

VOTE: 9 – 0

N.G. - Plan for Supervised Professional Experience in Industrial Organizational Psychology

It was M(Credentials Committee)/C to approve N.G.'s request to earn hours of supervised experience in the area of industrial/organizational psychology.

VOTE: 9 – 0

A.C. - Plan for Supervised Professional Experience in Psychological Research

The Credentials Committee will need additional information about the research before they can reach a decision. The Committee has instructed staff to request A.C. provide additional information to be presented at the August board meeting.

d. Review and Make Recommendations on Plans for Alternative Supervision in Non-Direct Mental Health Areas of Practice

C.S.W. - Plan for supervised professional experience in industrial/organizational psychology and a plan for alternative supervision

1 It was M(Credentials Committee)/C to approve C.S.W.'s request to earn hours of
2 supervised professional experience in the area of industrial/organizational psychology
3 and to receive alternative supervision while working at that setting.
4

5 VOTE: 9 – 0
6

7 **e. M.E.: Discussion of Doctoral Transcript**
8

9 It was M(Credentials Committee)/C to accept M.E.'s doctoral degree in psychology from
10 Western American University contingent upon verification that the school was approved
11 at the time M.E.'s degree was awarded in June 1998.
12

13 VOTE: 9 – 0
14

15 Dr. Ruff expressed concern regarding the acceptance of degrees from approved schools
16 and asked staff to provide background information on this category of school at the
17 August board meeting.
18

19 **f. Other Credentials Informational Items**
20

21 None
22

23 **Agenda Item #15 - Examination Committee Report – (Chairperson – Dr. Ruff)**
24

25 **a. Examination Update**
26

27 Dr. Ruff stated that the proposed CJPEE enhancement process will move forward once
28 PES provides its report of the comprehensive review it undertook of the existing job
29 analysis. The report is due to be available in July 2003.
30

31 **b. CJPEE Development Workshop Dates**
32

33 Dr. Ruff stated that OER has scheduled workshops for CJPEE development for fiscal
34 year 2003/04.
35

36 Ms. Johnson informed the board of a correction to a workshop date. The August 8-9,
37 2003 Item Review Workshop has changed to August 7-8, 2003.
38

39 **c. Other Examination Informational Items**
40

41 None
42

43 **Agenda Item #16 - Enforcement Committee Report – (Chairperson – Ms. Early)**
44

45 **a. Enforcement Statistics**
46

47 Ms. Early presented the enforcement statistics. Dr. Ruff requested that future enforcement
48 statistics presented at the board meeting also include the percentage change in the
49 numbers reported from year-to-year.
50
51

1 **b. 2003 Expert Training @ CPA Convention**

2
3 Ms. Early commented that Dr. Harmell had discussed this topic in the president's report
4 earlier in the meeting.

5
6 **c. Other Enforcement Informational Items**

7
8 None.
9

10 **Agenda Item #17 - Legislation Committee Report – (Chairperson – Dr. Thomas)**

11
12 **a. AB 348 (Chu)**

13
14 Dr. Thomas reported that AB 348 would allow a psychologist to release a patient from
15 involuntary commitment; a procedure currently only a psychiatrist has authority over. This
16 bill is sponsored by the CPA.
17

18 **b. AB 746 (Matthews)**

19
20 Dr. Thomas reported that AB 746 no longer relates to the board. This bill would have
21 allowed the board, among several other boards, to revoke the license of any licensee who
22 has more than one conviction involving Medi-Cal fraud.
23

24 **c. AB 938 (Yee)**

25
26 Dr. Thomas reported that AB 938 would add a \$10 surcharge to the current renewal fee for
27 licensees. This bill would establish the Licensed Mental Health Provider Education Program
28 to provide scholarships and loans to those who study to become mental health practitioners
29 and who agree to serve in an eligible publicly funded facility or a health manpower shortage
30 area that is multicultural and linguistically diverse.
31

32 **d. AB 940 (Yee)**

33
34 Dr. Thomas reported that AB 940, which would require licensed psychologists to complete a
35 continuing education course approved by the board in posttraumatic stress syndrome in
36 order to renew their license, has become a two-year bill.
37

38 **e. AB 1669 (Chu)**

39
40 Dr. Thomas reported that AB 1669 would set standards through the Peace Officer
41 Standards and Training Commission (POST) for those psychologists who perform
42 evaluations of peace officer applicants.
43

44 **f. SB 25 (Bowen)**

45
46 Dr. Thomas reported that SB 25, which would prohibit a state agency from publicly posting
47 or displaying an individual's social security number, has been placed on suspense in the
48 Senate Appropriations Committee.
49
50

1 **g. SB 250 (Battin)**

2
3 Dr. Thomas reported that SB 250, which would provide that any mandated reporter who fails
4 to report a known or reasonably suspected instance of unlawful sexual intercourse with a
5 minor or who actively encourages others not to report the violation be punished by
6 imprisonment, a fine not to exceed \$2,000, or both, failed passage with reconsideration
7 granted.
8

9 **h. Other Legislation Informational Items**

10
11 Dr. Thomas thanked Mr. O'Connor for preparing the legislative summary which provides a
12 brief summary of each bill.
13

14 **Agenda Item #18 - Consumer Education Committee Report – (Chairperson – Ms.**
15 **Kalustian)**

16
17 **a. Website Statistics**

18
19 Ms. Kalustian reported the statistics on website hits to the board.
20

21 **b. BOP Update 10**

22
23 Ms. Kalustian reported that the latest edition of the BOP Update 10 had been distributed
24 to all licensees, registrants and interested parties in March.
25

26 **c. Other Consumer Education Informational Items**

27
28 None.
29
30

31 **Agenda Item #19 - Elections**

32
33 **a. President**

34
35 It was M/(Harmell)/S(Adelman)/C to elect William Tan as the new board president.
36

37 **b. Vice-President**

38
39 It was M/(Tan)/S(Thomas)/C to elect Jacqueline Horn as the new vice-president.
40
41

42 **Agenda Item #20 - Public Comment**

43
44 Allison Parelman, PhD commented about supervision issues and asked what would be the best
45 way to keep apprised of the board's efforts in this regard. Mr. O'Connor stated that all progress
46 on regulation development is posted under "What's New" on the board's website.
47

48 Dr. Thomas asked newly elected President William Tan what his agenda would be as board
49 president. Mr. Tan advised that all actions and directions he takes will be toward enhancing the
50 board's ability to protect the public and finding more ways to provide education and information
51 to consumers.
52

1 Ms. Kalustian, acknowledging that this would be her last meeting as a member of the board,
2 advised the new members of the board that their best resource is the solid staff that the board
3 has developed over the years.
4
5

6 _____
7 William Lew Tan
8 President
9

Date